

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-07 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15 EB-07

COA-01 SCA-01 DLOS-03 CG-00 DOTE-00 SCS-03 INT-05

COME-00 SSO-00 NSCE-00 INRE-00 USIE-00 /069 W

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FM AMCONSUL GUAYAQUIL

TO SECSTATE WASHDC NIACT IMMEDIATE 3647

INFO AMEMBASSY QUITO NIACT IMMEDIATE

AMEMBASSY MEXICO

AMEMBASSY PANAMA

C O N F I D E N T I A L GUAYAQUIL 0192

E.O. 11652: GDS

TAGS: PFOR, EFIS, PLOS, EC US

SUBJ: SEIZURE OF US TUNA VESSELS

1. APPEAL OF DECISIONS TO CONFISCATE CATCH ON BOARD CAPTURED TUNA VESSELS AND APPLY REPEAT OFFENDER PENALTY TO OWNER OF CITY OF LISBON PRESENTED TO DIRECTORATE GENERAL OFFISHERIES OFFICIALS JUST BEFORE MIDNIGHT, JAN. 31, IN SALINAS. CONSUL KELLER PRESENT WHEN APPEALS OFFICIALLY MADE.

2. MIDNIGHT JAN. 31 WAS DEADLINE FOR MAKING THESE APPEALS ACCORDING TO INFORMATION GIVEN CONGEN BY WILSON ARROYO, DIRECTOR GENERAL OF FISHERIES (GUAYAQUIL 171). LAUREANO SANCHEZ, ARROYO'S LEGAL ADVISOR, HAD GIVEN SAME DEADLINE INFORMATION TO VICENTE YULEE, ZAPATA REP.

3. CONGEN HAS NOT YET RECEIVED COPIES OF DOCUMENTS BUT, IN GENERAL TERMS, THREE APPEALS WERE MADE: A) AGAINST REPEAT OFFENDER FINE APPLIED TO CITY OF LISBON OWNER; B) AGAINST CONFISCATION OF CATCH, ESPECIALLY THAT PORTION OF CATCH ON CALYPSO AND MARY ELIZABETH,

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WHICH CAPTAINS CLAIM WAS CAUGHT OFF MEXICO AND CENTRAL AMERICA,

AND C)

AGAINST CONFISCATION OF CATCH ON JACQUELIN A, ESPECIALLY THAT IN STORAGE AREAS SEALED BY IATTC OFFICIALS LAST YEAR.

4. LOCAL LAWYER EMPLOYED TO HELP WITH APPEAL PREPARATION, JOSE ZAPATIER BARRIAGA, SUGGESTED SEPARATE APPEAL RE CATCH BY JACQUELINE A BECAUSE HE SEEMS TO HAVE STRONGEST CASE. ZAPATIER DISSUADED CITY OF LISBON CAPTAIN FROM ENTRY SPECIAL APPEAL BASED ON CLAIM THAT SOME OF HIS CATCH CAUGHT MORE THEN 200 MILES FROM ECUADOREAN COAST BECAUSE CAPTAIN HAD NOT MADE SUCH A CLAIM IN DECLARATION MADE EARLIER TO DIRECTORATE GENERAL OF FISHERIES. ZAPATIER BELIEVED THAT TOMAKE SUCH AN APPEAL WOULD ONLY SERVE TO WEAKEN CASE OF OTHER CAPTAINS.

5. EVENING OF JAN. 31 WAS FIRST TIME WE HAVE RECEIVED EVEN SLIGHTEST INDICATION THAT DIRECTORATE OF FISHERIES OFFICIALS NOT GIVING FULL COOPERATION IN PROCESSING SEIZURES AS QUICKLY AND SMOOTHLY AS POSSIBLE. DIRECTORATE PERSONNEL HAD GONE TO SALINAS TO HANDLE PROCESSING OF PANAMA FLAG TUNA BOAT CAPTURED EARLIER IN DAY (UNCONFIRMED REPORTS HAVE IT THAT THIS 280 TON BOAT, "EL PERRO", IS PROPERTY OF GENERAL OMAR TORRIJOS). APPEAL THEREFORE HAD TO BE PREPARED IN GUAYAQUIL AND TAKEN TO SALINAS BY YULEE LATE AT NIGHT. BOTH KELLER AND YULEE, WHO OVERHEARD SALINAS END OF DIRECTORATE PERSONNEL TELECONS WITH ARROYO IN GUAYAQUIL, HAVE STRONG IMPRESSION THAT ARROYO UPSET BECAUSE YULEE ABLE TO LOCATE DIRECTORATE OFFICIALS AND DELIVER APPEAL PAPERS TO THEM IN PRESENCE OF BOAT CAPTAINS PRIOR TO MIDNIGHT DEADLINE.

6. OFFICIAL NOTIFICATION OF FINES FOR OCEAN QUEEN NOT YET DELIVERED TO BOAT CAPTAIN BUT KELLER, WHO WAS SHOWN FINAL DECISION BY PORT CAPTAIN, STATES THAT BOAT'S FINE IS 2,073,000 SUCRES AND BOAT OWNER'S FINE IS 8,292,000 SUCRES. ACE FISHERIES ENTERPRISES LISTED AS BOAT OWNER IN GOE DECISION. CAPTAINS OF OTHER SEIZED VESSELS TOLD KELLER THAT OCEAN QUEEN HAS NOW BEEN SEIZED FOUR TIMES IN ECUADOREAN-CLAIMED WATERS, TWICE IN PERUVIAN-CLAIMED WATERS, AND THREE TIMES IN WATERS OFF US WHERE TUNA FISHING PROHIBITED.

7. FOR PANAMA: PLEASE DETERMINE, IF POSSIBLE, IF GENERAL TORRIJOS IS OWNER OF "EL PERRO".

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